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### **REMARKS**

#### **Pending Claims**

Claims 1-6 and 8-43 are pending in this application. New claim 43 has been added. No new matter has been added.

#### **Interview Summary**

Applicants extend their appreciation to the Examiner for granting an Interview by telephone with the undersigned attorney on November 14, 2007. In the interview, it was discussed that Applicants would submit a request for reconsideration of the rejections.

Also, in the interview, the invention was discussed with respect to the feature of the prerecorded target information, such as advertisement information, being prerecorded on a recording medium, such as a DVD-RAM disk. The target information is displayed in response to a recording instruction. After the target information has been read or played back at least once, the recording limit can be canceled, and recording can then be performed in the recording limited area. See page 10, lines 1-3 of the specification. For example, the recording limit can be canceled by performing a defect-sector jump processing or a replacement processing based on the recording-limited area allocation information in the information recording medium to thereby rewrite the defect management table. See page 10, lines 6-9 of the Specification, for example. Further, according to an embodiment of the invention, the recording limit can be canceled after

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the issuance of an instruction for viewing and/or hearing the target information, thereby enabling recording.

### **New Claim**

New claim 43 has been added that sets forth that the recording limit of the recording limited area is recognized as an area in which recording is not permitted and the recording limit is cancelled once reproduction of information related to the recording-limited area occurs. Further, claim 43 sets forth that new information is recorded in the recording-limited area after the canceling of the recording limit. See page 10, lines 1-3 page 16, lines 5-8 and lines 19-23 of the specification for support of new claim 43.

### **Claim Rejections under 35 U.S.C. §103**

Claims 1-6, 8-10, 12-33 and 35-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueki, U.S. Patent No. 6,678,236 in view of Maeda et al., U.S. Patent No. 6,654,547. Claims 11 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueki '236 in view of Maeda et al '547 and further in view of Nishio, U.S. Patent No. 5,887,192. Reconsideration of the rejections is requested in view of the following comments.

Ueki is replied upon in the office Action for disclosing a lead in area (LI) formed by a pre-pit area PR that is alleged to be equivalent to the recording-limited area, as set forth in the claimed invention, that has a recording limit (that can be canceled) and is

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recognized as an area in which recording of information cannot be performed. Applicants respectfully request reconsideration of this interpretation of Ueki.

Lead-in area (LI) of Ueki is composed of lead-in areas LI1 and LI2. Neither lead-in area is equivalent to the recording limited area of the present invention. Lead-in area LI1 is used for recording and playback of information according to a first mode of apparatus operation, for example for an RTR (real time recording) playback mode of operation, i.e. playback by an apparatus using the RTR standard. Therefore, the information recorded in the lead-in area LI1 conforms to the RTR standards. See col. 11, lines 19-26 of Ueki. On the other hand, lead-in area LI2 corresponds to playback by a DVD-Video player. See col. 13, lines 42-49 of Ueki. According to Ueki, this provides a design in which the information recording medium fulfills the requirements of the RTR standards in addition to the DVD standards. See col. 11, lines 26-29 of Ueki.

As for the lead-in area LI1, information related to copyright protection such as information of a CSS (contents scramble system) key is recorded at the same time the main information or contents information (data) is written to the data recording/playback area DA. See col. 9, lines 6-9. Further, the information is recorded in lead-in area LI1 so that it may be rewritten or updated. See col. 9, lines 13-16. Accordingly, lead-in area LI1 is not equivalent to the recording limited area that has a recording limit and is recognized as an area in which recording of information cannot be performed, as claimed by Applicants.

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Lead-in area LI2 is a pre-pit area PR having pre-pits "pr" that represent the copyright-protection-related information. Ueki discloses that the recording of the copyright-protection-related information on the second lead-in area LI2 is designed to prevent the copyright-protection-related information from being erased or altered during a later overwrite process. As explained by Ueki, the disc is manufactured such that the lead-in area LI1 and DA are information recordable areas, whereas the lead-in area LI2 contains the pre-pit area represents the copyright-protection-related information on an "unalterable basis or an inerasable basis." See col. 15, lines 57-64 of the reference.

Further, Ueki explains that should the contents information (main data) and the CSS-key information be illegally copied and overwritten onto the data area DA and the pre-pit area PR of the information-recording optical disc, respectively, by a phase change recording method, the pre-pits "pr" in the pre-pit area PR would cause errors in the phase-change-recorded CSS-key information (the illegally-copied CSS-key information) on the pre-pit area PR during playback. As a result, the pre-pit area PR stores errors instead of the correct CSS-key information. This is a significant in Ueki since it is the reason that illegally-copied contents information are difficult to reproduce from the optical disc. See Ueki, col. 16, lines 33-49. Therefore, one having ordinary skill in the art would not be taught from the reference to cancel the recording limit of the lead-in area LI2, which would presumably permit overwriting of the pre-pit area because the pre-pit area, once overwritten, would store errors instead of the correct CSS-key information.

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The Office Action cites Ueki for disclosing a recording operation that suspends recording at the timing corresponding to the starting edge of the pre-pit area PR by changing the operation of the apparatus from the recording mode to the playback mode. According to the reference, the recording continues to be suspended until the timing corresponding to the ending edge of the pre-pit area PR and given by the LPP-based recording timing signal. See col. 26, 51-58 of Ueki. However, the recording operation of Ueki is not equivalent to the claimed canceling of the recording limit for a recording-limited area, as in the present invention. That is, the reason for switching between the recording and playback modes is to ensure that the original copyright-protection-related information recorded on the pre-pit area PR is prevented from being damaged and contaminated by the phase change overwrite. See col. 26, lines 59-62 of the reference. Therefore, Applicants take the position that the lead-in area having the pre-pits pr are not intended to be overwritten, and if overwritten render the "illegally copied contents" unreadable since they are unable to be descrambled without the correct CSS-key. Therefore, it would not be obvious to one having ordinary skill in the art to overwrite the lead-in area (LI2) as suggested in the Office Action.

Maeda is cited for disclosing a DVD which includes a read-only (ROM) area in which video is previously recorded, and a readable/writable RAM area. A video rental company, for example, writes a playback/recording control program in the RAM area of the DVD to be rented and the user's DVD apparatus reads the playback/recording control program from the RAM area of the rented DVD. Following the playback/recording

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control program, the user DVD apparatus receives digital broadcasting and extracts commercial messages and writes them in the RAM area. Then, the user DVD apparatus reads the video from the ROM area and the commercial messages from the RAM area for playback. Further, the user DVD apparatus generates history data indicating how many times and which commercial messages (CMs) have been played-back. Maeda explains that the CMs from digital broadcasting in the above-described manner have advertising effectiveness and the video rental company can collect fees from a third party advertiser and, in turn, can reduce the rental fee to be charged to the user. Moreover, by referring to the history data, the lender can know the history of the CM playback operations carried out by the user DVD apparatus 3. Also, the CM viewing history records of all users can be summed and then provided to the third party advertiser for collecting fees accurately.

However, Maeda does not disclose or suggest modifying Ueki to include a recording limited area on a recording medium that has a recording limit and is recognized as an area in which recording of information cannot be performed. That is, Maeda discloses using a DVD having a ROM area 1a and a RAM area 1b thereof. As explained in the Background of the Invention section of the present application, the use of a DVD-RAM to record target data for playback is not effective since the recorded target information can be erased and possibly never played back before a recording operation, which is not a problem addressed by Maeda. See page 3, lines 11-16 of the specification.

Accordingly, Maeda does not suggest to one having ordinary skill in the art the modification to Ueki that would be required in order to suggest providing a recording

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limited area on a recording medium that has a recording limit and is recognized as an area in which recording of information cannot be performed, as claimed. Therefore, the combination of Ueki and Maeda does not render the invention as set forth in claims 1-6, 8-10, 12-33 and 35-43 unpatentable under 35 U.S.C. §103, and the rejection should be withdrawn.

Nishio is relied on for suggesting that it would be obvious, as set forth in claims 11 and 34, to encrypt information about the position of the recording limited area and decrypt the information about the position that is in encrypted form using predetermined software. However, Nishio is deficient with respect to disclosing the deficiencies in Ueki and maeda, and therefore the combination of Ueki, Maeada and Nishio is insufficient to render the invention as set forth in claims 11 and 34 obvious under 35 U.S.C. §103. Therefore, the rejection should be withdrawn.

### Conclusion

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE

/John R. Mattingly/

John R. Mattingly  
Reg. No. 30,293  
(703) 684-1120

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CLIENT  
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